

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2008-009723

02/18/2009

HONORABLE L. GRANT

CLERK OF THE COURT
K. Ballard
Deputy

PAULINE GILSON, et al.

FRANCIS G FLEMING

v.

JOHN KEMMERIES, et al.

SCOTT W HULBERT

STEPHEN M DICHTER
IVAN K MATHEW

HEARING

Courtroom: **CCB-701**

9:03 a.m. This is the time set for Oral Argument re: Defendant John Kemmeries' Motion to Dismiss Second Amended Complaint and Defendant Land, Labor and Capital Management, LLC's Motion to Dismiss Second Amended Complaint for Failure to State a Claim. Plaintiff Pauline Gilson (as surviving spouse and personal representative of the Estate of Robert Gilson, and on behalf of the surviving children, Heather Gilson-Carr, Sean Gilson, and Jennifer Gilson) is represented by counsel, Francis G. Fleming. Defendants John Kemmeries; Julie Kemmeries; Kemmeries Ultralight Aviation; Kemmeries Aviation; Kemmeries Sport Aviation; Kemmeries Aviation, Inc.; Air Creation Sport Aircraft USA, LLC; Kemmeries Aviation, Inc.; Sport Aviation Publications, LLC; Pleasant Valley Aviation, Inc.; Aviation Flying School, LLC; American Sport Aviation Institute, LLC, and Defendant/Counterclaimant Southwest Aerotrekking Academy, LLC are represented by counsel, Scott W. Hulbert. Defendants Richard Michaels; Rhonda Michaels; John McAfee; Jennifer Irwin; Neil Bungard; Kate Richter; John Bitow; and Desert Gypsy, LLC are represented by counsel, Erin E. Byrnes (appearing in place of Stephen M. Dichter). Defendant Land, Labor and Capital Management, LLC is represented by counsel, Ivan K. Mathew.

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A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Oral argument is presented.

IT IS ORDERED granting the Motion to Dismiss with respect to Land, Labor and Capital Management, LLC without prejudice.

For the reasons set forth on the record,

IT IS FURTHER ORDERED granting the Motion to Dismiss with respect to Defendant John Kemmeries, in his individual capacity, without prejudice.

Plaintiff's counsel advises the Court that the Inactive Calendar deadline is approaching, and based thereon, counsel will be filing a Motion to Continue Matter on the Inactive Calendar. Additionally, counsel for Plaintiff indicates he will be filing a Third Amended Complaint.

9:48 a.m. Matter concludes.